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Examiner

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Name of Patentee or Applicant of cited Document

	US PATENT DOCUMENTS				
Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate	
	US-20030208408A1	11/06/2003	Garg, Rahul, et al.	05/03/2002	
	US-4,319,336	03/09/1982	Anderson, R. W, et al.	02/02/1979	

FOREIGN PATENT DOCUMENTS

**Publication Date** 

	OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	т'
	"", American Law Institute, Draft-Uniform Commercial Code Revised Article 2 (Sales0,	
	Parts 2, 3 and 7, printed from	
	http://www.kentlaw.edu/ulc/uniform/uccart2/chap2/ucc2c237.html, (01/04/1996), pp. 1-15	
	"", INTERNET PRESENCE, INC. Newsgroup Posting RE: ANNOUNCE: Internet	
	ShopKeeper, (08/02/1994), 2 pgs	
	"", http://www.webopedia.com/TERM/d/daemon.html, (6/2/04), 2 pgs	
	"", Numismatists Online Letter and Numismatist Online dealer member agreement, (09/09/1995)	
	"A Beginner's Guide to HTML", NCSA/pubs@ncsa.uiuc.edu, Appendix A, mailed to the USPTO October 24, 1994, 11 pgs	
	"Affinity Traders Online Business Plan", (08/18/1995), 29 pgs	
	"AMIX Demo Screen Shots", <u>Dan Bricklin's Demo 11 Computer Program</u> , Sage Software, (Copyright 1990, 1991), 49 pgs.	
	Application Serial No. 09/706,849, Non Final Office Action mailed 04/07/2009, 13 pgs	
	Application Serial No. 09/706,849, Response filed 02-06-09 to Final Office Action mailed 08-06-08, 17 pgs	
	Application Serial No. 10/316,292, Response filed 03-09-09 to Non-Final Office Action mailed 08-09-08, 10 pgs	
	Application Serial No. 10/316,293, Response filed 02-11-09 to Non-Final Office Action mailed 08-11-08, 11 pgs	
	Application Serial No. 10/316,296, Response filed 01-12-09 to Non-Final Office Action mailed 07-11-08, 19 pgs	
	Application Serial No. 10/316,297, Response filed 02-09-09 to Final Office Action mailed 08-07-08, 13 pgs	
	Application Serial No. 10/316,298, Non-Final Office Action mailed 10-03-08, 5 pgs	
	Application Serial No. 10/316,298, Response filed 03-03-09 to Non-Final Office Action	
	mailed 10-03-09, 15 pgs	
	Application Serial No. 10/316,324, Non-Final Office Action mailed 03-03-09, 7 pgs	
	Application Serial No. 10/316,326, Non-Final Office Action mailed 04-03-09, 32 pgs	
	Application Serial No. 11/618,632, Non-Final Office Action mailed 12-24-08, 10 pgs	

EXAMINER /James Vezeris/ DATE CONSIDERED 05/27/2009

PTO/SB/08A(04-07)
Modified form approved for use through 09/30/2007, OMB 651-0031
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	Complete if Known		
	Application Number	10/733,700	
	Filing Date	December 11, 2003	
STATEMENT BY APPLICANT	First Named Inventor	William R Watt	
(Use as many sheets as necessary)	Group Art Unit	3693	
	Examiner Name	James Vezeris	
Sheet 2 of 4	Attorney Docket No: 2	043.159US1	

	OTHER DOCUMENTS - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	т'
	"Chicago Firm Offers Internet Brokerage Services", Simba Information, Inc., Media Daily,	
	(12/21/1994), Section No. 342, Volume 2	
	"Competition in the Dutch Flower Markets", (11/06/2001), 7 pgs	
	"Confidential Deposition of Jason Robert Surratt", MercExchange, L.L.C. v. eBay Inc.,	
	and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk	
	<u>Division, Civil Action No. 2:01-CV-736</u> , (06/20/2002), 47 pgs	
	"Corrected Brief of Appellants", In the United States Court of Appeals for the Federal	
	Circuit, Case No. 03-1600, -1616, MercExchange, L.L.C. v. eBay, Inc. and Half.com, Inc.,	
	(01/06/2004), 70 pgs	
	"Deposition of Alan Fisher, Volume 1", MercExchange, L.L.C. v. eBay Inc., and	
	Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division,	
	Civil Action No. 2:01-CV-736, (06/18/2002), 22 pgs	
	"Deposition of Alan Fisher, Volume II", MercExchange, L.L.C. v. eBay Inc., and	
	Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division,	
	Civil Action No. 2:01-CV-736, (06/19/2002), 24 pgs	
	"Deposition of Jerry Kaplan", MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc.,	
	United States District Court Eastern District of Virginia Norfolk Division, Civil Action No.	
	2:01-CV-736, (06/18/2002), 49 pgs	
	"Deposition of Pierre Omidyar", MercExchange, L.L.C. v. eBay Inc., and Returnbuy, Inc.,	
	United States District Court Eastern District of Virginia Norfolk Division, Civil Action No.	
	2:01-CV-736, (06/04/2002), 14 pgs	
	"Deposition of Thomas Woolston", MercExchange, L.L.C. v. eBay Inc., and Returnbuy,	
	Inc., United States District Court Eastern District of Virginia Norfolk Division, Civil Action	
	No. 2:01-CV-736, (04/16/2002), 52 pgs	
	"FCC Will Allow Remote Electronic Bidding in October 26 Narrowband PCS Auction",	
	Common Carrier Week, (10/10/1994), 2 pgs	
	"First Auction Wins the Bid for Online", Internet Shopping Network,, (01/07/2002), 4 pgs	
	"Google Newsgroup RE: press/Digital and Open Market Partner to do Business Over the	
	Internet", Digital Press & Analysis News, (11/07/1994), 3 pgs	
	"Internet-based Investor Service Completes Trials; Adds Mutual Funds to investment	
	Offerings", PR Newswire Association, Inc., (01/17/1995), Section: Financial News,	
	Chicago	
	"Merchant Accounts and Key Management", Open Market, Inc., Appendix E, mailed to	
	the USPTO October 24, 1994, 13 pgs	
	"Mosaic for X version 2.0 Fill-Out form Support", mosaic-x@ncsa.uiuc.edu, Appendix B,	
	mailed to the USPTO October 24, 1994, 9 pgs	
	"Preview Media and America Online Announce New Travel Services for America online	
	Subscribers", PR Newswire, (02/07/1995), 3 pgs	
	"prodigy outline Internet Plans, Launches Services 09/24/94", Newsbytes News Network,	
	(09/29/1994), 3 pgs	
	1 /	1

/James Vezeris/ **EXAMINER** DATE CONSIDERED 05/27/2009 Modified form approved for use through 09/30/2007, OMB 651-0031
US Patent & Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449A/PTO	Complete if Known	
Substitute for form 1449A/PTO	Application Number	10/733,700
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	OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	т'
	"Spry's Air Mosaic Express Provides Internet Access to World Wide Wed", The PC Netter,	
	(12/01/1994), Volume 9, No. 12	
	"The Evolution of TELCOT the Foundation of 'The Seam'", TELCOT Plains Cotton	
	Cooperative Association, (1997), 3 pgs	
	"Video Deposition of Thomas Woolston", MercExchange, L.L.C. v. eBay Inc., and	
	Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk Division,	
	<u>Civil Action No. 2:01-CV-736</u> , (06/18/2002), 79 pgs	
	"Video Deposition of Thomas Woolston, Volume 2", MercExchange, L.L.C. v. eBay Inc.,	
	and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk	
	<u>Division, Civil Action No. 2:01-CV-736</u> , (06/19/2002), 79 pgs	
	"Video Deposition of Thomas Woolston, Volume 3", MercExchange, L.L.C. v. eBay Inc.,	
	and Returnbuy, Inc., United States District Court Eastern District of Virginia Norfolk	
	<u>Division, Civil Action No. 2:01-CV-736,</u> (06/20/2002), 80 pgs	
	"What's new at eBay's Auction Web",	
	http://web.archive.org/web19981202085151/http://www.ebay.com/aw/update.html,	
	AuctionWeb What's New, (05/18/2005), 6 pgs	
	BAKOS, J. Y, "A Strategic Analysis of Electronic Marketplaces", MIS Quarterly Volume 15.	
	No. 3., (September 1991), p. 295-310	
	BATY, J., et al., "InterShop: Enhancing the Vendor/Customer Deialectic in Electronic	
	Shopping", Journal of Management information Systems Vol. II, No.4, (1995), pp. 9-31	
	CHABROW, E., "A New Era Is Brokered In", Information Week, (09/18/1995), 3 pgs	
	CHURBUCK, D., "Dial-A-Catalog", <u>Forbes</u> , (10/10/1994), p. 126-130	
	CLARKE, R., "The Strategice Intent of Online Trading Systems a Case Study in National	
	Livestock Marketing", Xamax Consultancy Ltd., (08-16-92), 22 pgs	
	CLIFFORD, D., "Notes on Community Information Systems", (12/10/1989), 7 pgs	
	COHEN, D., "Computerized Commerce", Proceedings of the IFIP World Camputer	
	Congress Held 8/28-9/1 1989, Reprinted From Information Processing 89, (October 1989),	
	27 pgs	
	DAVIES, S. A, "Treasury action to 'go live' with computer tenders. (Treasury Automated	
	Auction Processing System, or TAAPS)(Public securities association supplement)", Bond	
	Buyer v. 304, n2914, (04/29/1993), 5 pgs	
	ELMER-DEWITT, P., "Battle for the Soul of the Internet", Time Magazine Cover Story	
	Technology Section, (07/26/1994), 10 pgs	
	GRANT, G., "Mosaic Communications Unveils Network Navigator and Server Software for	
	the Internet", (09/01/1994), 3 pgs	
	HENG-WAH, CHOY, "", Declaration of Choy Heng-Wah Regarding BidBroker Software -	
	an Electronic Auction System filed in MercExchange, LLC v. eBaylnc., et al., Case No.	
	2:01-CV-736 (E.D. Va), (03/08/2002), 13 pgs  JOHNSON, et al., "Automated double oral auctions using IBM PC network", Association for	
	Computing Machinery, CSC '86 Cincinnati Proceedings, (Feb. 1986), p. 507	

/James Vezeris/ EXAMINER DATE CONSIDERED

05/27/2009

Modified form approved for use through 09/30/2007, OMB 651-0031
US Patent & Trademark Office: U.S. DEPARTMENT OF COMMERCE
a collection of information unless it contains a valid OMB control number. Under the Panerwork Reduction Act of 1995, no persons a

0.1-17-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	Complete if Known		
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	OTHER DOCUMENTS - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	т'
	KAPLAN, S. J, "Intermart: the Virtual Shopper's Paradise", Intermart, (12/07/1994), 17 pgs	
	KELLY, S, "Jury Still Out on Treasury's Dutch Experiment", New York, N.Y.: Apr 29 Vol. 304, Iss. 29141, (1993), Pg. A	
	LEHMAN, "", Lego Sale: Auczilla is here, rec.toys.lego, (02/26/1995), 8 pgs	
	LINDSEY, D., et al., "TELCOT: An Application of Information Technology for Competitive Advantage in the Cotton Industry", MIS Quarterly, (December 1990), p. 347-357	
	MCGOOKIN, STEPHEN, "Home-based brokers stay on-line via the Internet - The number	
	of personal on-line brokerage accounts", <u>The Financial Times Limited; Financial Times</u> (London, England), (11/01/1995), p. 13	
	OBRACZKA, K., et al., "Internet Resource Discovery", (September 1993), p. 8-22	
	OMIDYAR, P., "Google Newsgroup RE: AuctionWeb: Interactive Web Auction", (09/12/1995), 3 pgs	
	RESNICK, P., et al., "Twenty-Second Annual Telecommunications Policy Research Conference: Papers Section 2", Solomons, MD, (October 1-3, 1994), p. 1-23	
	SCHWARTZ, MICHAEL F., "Internet Resource Discovery at the University of Colorado", (October 1992), 16 oos	
	SHAMOS, M. J, "Expert Report of Michael Ian Shamos Regarding Materiality of Prior Art Regerence Not Disclosed by Patentee", filed by eBay, (09/23/2002), 10 pgs	
	SMITH, V., "Auctions, Bidding and Contracting: Uses and Theory—An Experimental Comparison of Alternative Rules for Competitive Market Exchange", New York University Press, (1983), pp. 307-337.	
	SMITH, V., et al., "Competitive Market Insitutions: Double Auctions vs Sealed Bid-Offer Auctions", The American Economic Review, (March 1982), Vol. 72, No.1	
	SMITH, V., et al., "On Nonbinding Price Controls in a Competitive Market", <u>The American</u> Economi Review, (June 1981), Vol.71, No.3	
	TENENBAUM, J., et al., "Development of Network Infrastructure and Services For Rapid Acquisition", (01/02/1992), 19 pgs	
	TETZELI, R., "Electronic Storefronts on the Internet", Fortune, (11/28/1994), p. 191	
	TRAUB, "", MTG; All Editions Rare and Uncommon Auction, rec.games.deckmaster, (05/09/1994), 9 pgs	
	VERNON, L. S, et al., "Experimental market economics", edited version in 12/92 issues of Scientific American, (Sep 1991), 14 pgs	
	VOELKER, et al., "Mobisaic: an information system for a mobile wireless computing environment", IEEE, (1995), pp. 185-190	

05/27/2009 /James Vezeris/ EXAMINER DATE CONSIDERED